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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,400	10/04/1999	JOBST ULRICH GELLERT	P99065	8261

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01/02/2002

ALAN I. CANTOR
FOLEY & LARDNER
WASHINGTON HARBOUR
3000 K. STREET, N.W. SUITE 500
WASHINGTON, DC 20007-5109

EXAMINER

SMITH, SEAN PRENTISS

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 01/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/411,400

Applicant(s)

Gellert

Examiner

S an Smith

Art Unit

3729



-- Th MAILING DATE of this communication app ars on th cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Feb 20, 2001

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 15-26 and 49-56 is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 15-26 and 49-56 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-802)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10

20) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15-18, 20-23, 25-26, ^{44-52, and 54-56} ~~49~~ rejected under 35 U.S.C. 102(b) as being anticipated by Gellert (4768283).

Regarding claims 15-17, 25, 49 Gellert discloses a injection molding apparatus comprising: a nozzle (10) with a heater element (64), and inner portion having a melt bore (58) extending therethrough, and a tip insert (122) metallurgically bonded to the front end of the inner portion (column 5 ln 45-48).

Regarding claims 18 and 26, Gellert discloses the heating element (64) is integrally brazed into the spiral grooves (38) extending around the outer surface of the inner portion (column 5 ln 56-67).

Regarding claims 20, 21, 50-52, 54-56 Gellert discloses the tip insert (122) has at least one tapered front tip (22) extending outward.

Regarding claims 22 and 23, where Gellert is relied upon as above for disclosing injection apparatus comprising: a nozzle (10) with a heater element (64), and inner portion having a melt

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bore (58) extending therethrough, and a tip insert (122) metallurgically bonded to the front end of the inner portion. Gellert discloses the tip portion and collar portion using a first and second brazing material (column 5 ln 45-55).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19, 24^{and 53} are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellert (4768283).

Regarding claim 19, 24 and 53. Gellert discloses a injection molding apparatus comprising a nozzle a inner portion having a melt bore. Gellert fails to disclose a bonded process wherein the second material has a lower melting temperature than the first material.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide a securement means at separate ends of the apparatus, since a means for attaching two mating parts are known. The bonding process at the tip would create a stronger bond between the inner portion and the tip. Furthermore using different types of brazing material is known to one of ordinary skill in the art, since the heating requirements at the tip would need to be higher since the tip is doing the work at hand.

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Response to Arguments

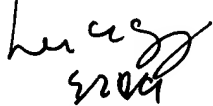
5. Applicant's arguments with respect to claims 15-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TySean Smith whose telephone number is (703) 305-0831, fax (703) 308-7058.

SS

May 15, 2001


LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700